

1-1 By: Birdwell S.B. No. 976  
1-2 (In the Senate - Filed February 21, 2017; March 6, 2017,  
1-3 read first time and referred to Committee on Intergovernmental  
1-4 Relations; March 27, 2017, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; March 27, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9			X	
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the dissolution of the Falls County Water Control and  
1-18 Improvement District No. 1.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. DEFINITIONS. In this Act:

1-21 (1) "City" means the City of Marlin.

1-22 (2) "District" means the Falls County Water Control  
1-23 and Improvement District No. 1.

1-24 SECTION 2. LEGISLATIVE FINDINGS. The legislature finds  
1-25 that:

1-26 (1) the citizens of the district approved the creation  
1-27 of the district for the purpose of developing a flood control  
1-28 program;

1-29 (2) the district entered into an agreement with the  
1-30 city and other parties to acquire the property rights necessary for  
1-31 the construction of three flood retention structures that are  
1-32 related to the Brushy Creek reservoir and the district acquired  
1-33 those property rights;

1-34 (3) the district and the city expended public funds  
1-35 towards the completion of the project in accordance with the terms  
1-36 of the agreement between the parties, including approximately \$3.5  
1-37 million spent by the city on the project as of the effective date of  
1-38 this Act;

1-39 (4) the city is relying on the Brushy Creek reservoir  
1-40 and the related flood control structures to meet future water  
1-41 supply needs;

1-42 (5) the board of the district voted to dissolve the  
1-43 district and the citizens of the district confirmed the intent to  
1-44 dissolve the district at an election, and the law is unclear on the  
1-45 disposition of the district's assets in the event of dissolution;

1-46 (6) the district's primary assets are the easements  
1-47 acquired under the terms of the agreement with revenue from  
1-48 taxation and those easements are essential to the completion of the  
1-49 Brushy Creek reservoir project by the city;

1-50 (7) the Brushy Creek reservoir is included in the 2017  
1-51 state water plan as a regional water supply source and should be  
1-52 completed;

1-53 (8) the territory of the district will benefit by the  
1-54 completion of the reservoir; and

1-55 (9) in the interest of public health and welfare, to  
1-56 help ensure an adequate water supply for present and future needs,  
1-57 to fulfill the will of the citizens of the district to dissolve the  
1-58 district and end the collection of ad valorem taxes, and to secure  
1-59 the investment of public funds already incurred for the project,  
1-60 all assets and obligations of the district should be transferred to  
1-61 the city and the district dissolved.

2-1 SECTION 3. DISSOLUTION OF DISTRICT AND TRANSFER OF ASSETS  
2-2 AND OBLIGATIONS. (a) On the effective date of this Act, the  
2-3 district is dissolved and has no legal authority to take any action,  
2-4 and the transfer of the assets and obligations of the district to  
2-5 the city is authorized. The city bears the responsibility of:

2-6 (1) transferring the title of the assets of the  
2-7 district to the city; and

2-8 (2) assuming the obligations of the district.

2-9 (b) The county clerk of Falls County, the commissioners  
2-10 court of Falls County, and any district court with jurisdiction  
2-11 over a matter related to the provisions of this Act shall take  
2-12 notice of this Act as an authorization to transfer the title of the  
2-13 assets to the city and assume the obligations of the district on  
2-14 application or petition by the city.

2-15 SECTION 4. NOTICE. (a) The legal notice of the intention  
2-16 to introduce this Act, setting forth the general substance of this  
2-17 Act, has been published as provided by law, and the notice and a  
2-18 copy of this Act have been furnished to all persons, agencies,  
2-19 officials, or entities to which they are required to be furnished  
2-20 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
2-21 Government Code.

2-22 (b) The governor, one of the required recipients, has  
2-23 submitted the notice and Act to the Texas Commission on  
2-24 Environmental Quality.

2-25 (c) The Texas Commission on Environmental Quality has filed  
2-26 its recommendations relating to this Act with the governor, the  
2-27 lieutenant governor, and the speaker of the house of  
2-28 representatives within the required time.

2-29 (d) All requirements of the constitution and laws of this  
2-30 state and the rules and procedures of the legislature with respect  
2-31 to the notice, introduction, and passage of this Act are fulfilled  
2-32 and accomplished.

2-33 SECTION 5. EFFECTIVE DATE. This Act takes effect  
2-34 immediately if it receives a vote of two-thirds of all the members  
2-35 elected to each house, as provided by Section 39, Article III, Texas  
2-36 Constitution. If this Act does not receive the vote necessary for  
2-37 immediate effect, this Act takes effect September 1, 2017.

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